

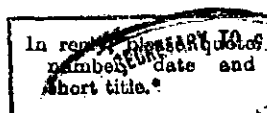
P W. (1947) Department.

MS SERIES.

G.O. NO. 3252

Dated 3. 11. 47

[Despatch Abstract.]



Received

Registered

From (Name) J.M. Balmforth Esq.,

(Designation) Presidency Port Officer,

Post Box 13, (STATION) Madras 1.

Telegraphic Address Presypo

To

The Secretary to Government,
Public Works Department,
Madras.

No. 18408/47-1, dated 7th July 1947.

Sir,

Malpe Port - Landing and Shipping Fees -
Levy on passengers.

ENCLOSURES

- 1) Encl. No. 847/47-7 d/
16-6-47 from the Port
Officer, Mangalore.

SPARE COPIES

- 2) Draft Notification
(in duplicate)

ff 567 below

ff 567 below

A

I have the honour to state that, with the concurrence of the Malpe Landing and Shipping Fees Committee, it is proposed to levy landing and shipping fees on passengers disembarking at and embarking from the Port of Malpe in order to assist the Malpe Landing and Shipping Fund in maintaining the existing facilities for passengers at the Port and in providing more facilities for them there - vide letter from the Port Conservator, Malpe and its enclosures received with Encl. No. 847/47-7 dated 16-6-1947 of the Port Officer, Mangalore - copy attached. The proposed levy of fees on passengers is expected to yield an additional income to the above fund of about Rs. 1600/- per annum. I accordingly request the sanction of Government thereto.

It is also proposed to entrust the collection of the above fees to the Agent, Bombay Steam Navigation Co., Ltd., Malpe and this, I consider may be permitted as at certain other Ports - vide G.O. No. Ms. 1474, P.W. (Marine) dated 13-6-1939.

A draft notification is enclosed which is intended to take effect from 1-9-1947 after allowing at least one month's notice as required by Section 5 of the Madras Out-ports Landing and Shipping Fees Act, 1885.

I have the honour to be,
Sir,

Your most obedient servant,

Presidency Port Officer.

AT/7.

1/3

From the Port Conservator, Malpe.
To the Presidency Port Officer, Madras.
Through the Port Officer, Mangalore and the Collector of South Kanara
Mangalore.

No.56/46-15 dated 11-6-1947.

Malpe Port - Levy of passenger toll - Proposals submitted -
Presidency Port Officer's No.216 Gl/47-1 dated 25-4-47.

M The Bombay Steam Navigation Co. Ltd., maintained regular services of their steamers between Bombay and Mangalore touching this port on up and down voyages. On an average about 13000 passengers use this port every year. Already a passenger shed, a latrine and a fresh water well have been provided for these passengers out of Landing and Shipping Funds though no revenue is derived from these passengers.

K There is already an agitation from the public to provide more facilities for the passengers. Construction of a jetty for the use of passengers that use this port has already been taken up. These facilities for the passengers demand heavy expenditure. So far no dues have been levied on passengers and it seems appropriate and reasonable that the passengers for whose benefit the port spends money should be taxed.

B It is therefore proposed that a passenger toll at Rs 0-2-6 on adults and Rs 0-1-3 on children that land at and sail from the port be levied. This is likely to bring an additional revenue of Rs 1600/- per year to the Landing and Shipping Funds.

Z It is also proposed that Government may be kindly moved to appoint the Agent, Bombay Steam Navigation Co., Ltd., Malpe, to assist the officer appointed under the Madras Out-ports Landing and Shipping Fees Act 1885 for the purpose of levying and collecting landing and shipping fees on passengers embarking or disembarking from the steamers for which he is an agent at the port of Malpe in continuation of the list of officers appointed in G.O. No.238, P.W. (Marine) dated 2-2-1939.

(u) 4 Copy of resolution No.III(b) of the Malpe Landing and Shipping Fees Committee at its meeting held on 6-6-47 and statistics of passengers arrived and sailed for 9 years are enclosed.

Copy of resolution No.III(b) of the Malpe Landing and Shipping Fees Committee at its meeting held on 6-6-1947.

Read para 3 of Presidency Port Officer's No.216 Gl/47-1 dated 25-4-47 regarding levies of passenger toll.

C Resolved that in view of Presidency Port Officer's proposals the rate of passenger toll may be fixed at Rs.0-2-6 per adult of 12 years of age and above and at Rs.0-1-3 per child of below 12 years and above 3 years. The resolution contained in No.VI of the meeting held on 29-3-1946 on the subject is cancelled.

Statistics showing passengers arrived at and sailed from Malpe Port from 1932-1946, 39-4-1946.

Year	No. arrived	No. sailed	Remarks
1932	5,681	6,306	During 1940-45 there was no passenger traffic on account of war conditions.
1933	6,284	6,553	
1934	6,410	7,268	
1935	6,541	7,082	
1936	6,927	7,012	
1937	6,590	8,413½	
1938	7,738	6,839	
1939	4,161	4,203½	
1946	6,410	5,802	
Total.	56,742	59,479	
Average	6,305	6,609	

p.t.o.

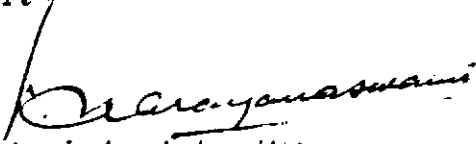
No.847/47-7

Submitted to the Presidency Port Officer, Madras, through
the Collector of South Arcot, with reference to his No.216 GL/
47-1 dated 25-4-47 and No.1549 GL/47-1 dated 26-5-47.

Mangalore, 16-6-47.

L.T.Yettie
Port Officer

(True Copy)


Assistant to the
Presidency Port Officer

AE/7.



DRAFT NOTIFICATION.

In exercise of the powers conferred by section 4 of the Madras Out-ports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885), His Excellency the Governor of Madras hereby

) directs that landing and shipping fees shall be levied upon all passengers landed from or shipped into any vessel lying or being within the limits of the Port of Malpe in the district of South Kanara at the following rates, viz:-

Adult, per head	Rs	0	2	6
Children between three and twelve years of age each	Rs	0	1	3

and (ii) notifies under Section 5 of the said Act that the fees at the said rates shall be payable on and after 1-9-1947.



PRESIDENCY PORT OFFICER.

Jw

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 4 of the Madras Out-ports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885), His Excellency the Governor of Madras hereby

(1) directs that landing and shipping fees shall be levied upon all passengers landed from or shipped into any vessel lying or being within the limits of the Port of Malpe in the district of South Kanara at the following rates, viz:-

Adult, per head	Rs 0 2 6
Children between three and twelve years of age each	Rs 0 1 3

and (ii) notifies under Section 5 of the said Act that the fees at the said rates shall be payable on and after 1-9-1947.


PRESIDENCY PORT OFFICER.

38
218

In No. 300TF/47-2 dated 19.8.47 ^{9 P.W.E}
From Secy to Govt P.W.D.
To The P.P.O.

For Cf

Sub Ports - Malpr - Landing and
Shipping fees - Levy on passengers.
Ref Your No. 1840 dt/47/1 dt 7.7.47

Please say whether it is the
idea to collect the landing and shipping
fees from the passengers along with the
price of the ticket as is done by the
Railway ~~as~~ in respect of pilgrim
taxes ~~and elucidate on the point.~~
The practice that is now followed for collecting
Landing & Shipping fees from other passengers
in other ports may also be ~~permitted~~ reported
for consideration.

DSO query
on 3 RF

spshub
26.8.47

P.C to go
12/8/47
14.8.47

P. U. D.

- T.M. No 2007 F/4, 3 of 13.9.47

From Secretary to Govt. P. U. D.

66
15/9/47

To The ~~P. U. D.~~ P. U. D.

Subj: Ports - Malpe - Landing
and shipping fees - levy
on passengers

Ref: T.M. No 2007 F/4, 2 of 13.9.47

Please expedite the report
called for in the T.M. cited above and
say when it may be expected

12/9/47

K. M.
13.9.47

OK
13/9/47

r.c. 6/80
13/9/47

Post Copy of Telephonic Message.

11

RECEIVED
GOVERNMENT
17-9-47

the Presidency Port Officer, Madras.
the Secretary to Government, Public Works Department, MS
dated 17-9-47.

Sub: Ports + Malpe - Landing and Shipping fees- Levy
on passengers.

Ref: Post copy of Government Telephonic Message No.3007
F/47-3 P.V. dated 13-9-47.

With reference to the concluding sentence of the Govern-
ment's Telephonic Message dated 19-8-47 a report from the
Port Officer, Negapatam is awaited and a reply will be
submitted to Government immediately on its receipt. The
Port Officer is being reminded today.

M. Kalumfort
Presidency Port Officer.

A.R. lit

1/11/47
Kun
19-9-47

1/10/47

19-9-47

In reply, please quote
short title, number and
date.

No. 1860 of 1947-3

PRESIDENCY PORT OFFICE,

Madras, 6/10 October - 1947.

Telegraphic address:

"PRINCIPAL" Madras.

PRESIDENCY

Post Box No. 13, Madras.

From

J.M. Balmforth Esq.

THE PRESIDENCY PORT OFFICER,

MADRAS,

To

The Secretary to Government,
Public Works Department,
Madras.

Sir,

Sub: Ports- Malpe- Landing and Shipping Fees - Levy
on passengers.

Ref: Post Copy of Government Telephonic Message No.
3007-F/47-2 P.W. dated 19-8-1947.

Enclosures.

With reference to Post Copy of Government Telephonic
Message cited above, I have the honour to state that the
steamer Agents may be entrusted with the work of collecting the
Landing and Shipping Fees from the passengers along with the
tickets and remit the amount to this department. The practice
that is now followed at other ports is similar to the one

P.T.O.

suggested - vide G.O. No. 1474 P.L. (Mar) dated 17-6-1939
for the procedure sanctioned for the port of Mangalore.

(c)

I have the honour to be,
Sir,
Your most obedient servant,

M. Balufoote
Presidency Port Officer.

311.

B.

PORTS - Malpe - Landing and Shipping fees - Levy on passengers - Approved.

Co no. 1859 P.W. 8.27.8.1938

Read : G.O.No. 238, P.W., dated 2-2-1939.

G.O.No. 1474, P.W., " 13-6-1939.

From the P.P.O. No. 1840 G1/47-1 dated 7-7-47.

P/cf

G.O. MS. NO. 3252

7. 3 - 11 - 47

H.E. the Governor of Madras hereby approves the proposal of the P.P.O. to levy landing and shipping fees on passengers disembarking at and embarking from the port of Malpe, South Kanara DG and to entrust the collection of the fees to the Agent, Bombay Steam Navigation, Co. Ltd., Malpe.

The notifications contained in Annexure I to these proceedings will be published in the Fort St. George Gazette and in the maritime District Gazette.

2. Under section 7 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885) and in continuation of the orders in G.O.No. 238, P.W., dated 2-2-1939, H.E. the Governor ~~is~~ also ~~provisionally~~ sanctions the appointment of the person mentioned in column 2 of Annexure II to these proceedings to assist the officer appointed to levy and receive the fees under the Act, in the port mentioned in column 1 to the extent specified in column 3 of ~~Annexure~~ Annexure II to these proceedings.

On 21/7/47
Kew
22-7-47

OK
24747

MM/17/6/47

Appendix

P.T.O.

Pr 2 6.36.47

①/4cf
②/39-41

cf G.O. 1471 PW 13.6.34 e/39-41
part 2/14

Page 2 below

Book not put up

cf
B. 11

To The P.P.O.
" Exmr. of L.F.A.
" S.G.P. for publication of Annexure I only.
Copy for file.
Copy to legal dept.

despatched
G. 11

17 / 3

the Madras Outports Landing and Shipping Fees Act, 1885

(1)

(2)

(3)

Port

Designation of
the port.

Nature of duties and respon-
sibilities in which he is to
assist the officer appointed
under section 7 of the Madras
Govt Ports Landing and Ship-
ping Fees Act 1885.

2 of 3 of

Malpe

Malpe

The Agent,
Bombay Steam
Navigation Co.,
Ltd., Malpe.

To levy and receive landing
and shipping fees on pas-
sengers embarking or ^{disembarking} ~~disembarking~~
-king from the steamers for
which they are the agents.

rf 6387 ①

21/7/47
Kov
22-7-47

24747

11/17/47

C No 3007 P/w

H 167 cf

Sub : Ports - Malpe - Landing and Shipping fees - Levy on passengers.

Ref : From the Presidency Port Officer No.1840 G1/47-1 dated 7--7--47.

M on 13 cf

M on 13 cf

18 on 13 cf
Para 1 on 13 cf

B on 13 cf
A on 13 cf

C on 13 cf

A on 13 cf

Para 2 of P.O's
letter on 13 cf

H 569 cf

Σ on 4 of (d)

14 of B.K. 1/47
13 of 1/47
1 of 1/47

Please see the P.P.O.'s letter in the c.f. It has been reported that on an average 13,000 passengers ^{use the} land at and sail ~~from the~~ port of Malpe and that already a passenger shed, latrine and a fresh water well have ^{been} provided for these passengers out of the landing and shipping funds though no revenue is at present derived from the passengers. It is proposed to provide more facilities for the passengers. To maintain the existing facilities and to provide more, the Port Officer, mangalore ^{has} proposed the levy of landing and shipping fees ^{upon all} passengers. The proposed levy is expected to yield an additional revenue of about Rs. ^{1600/-} ~~16,000/-~~ per annum to the Malpe Landing and Shipping Fund. ~~The local Landing and Shipping Fees Committee~~ The local Landing and Shipping Fees Committee has approved the Port Officer's proposal to levy the rates at Rs. 0-2-6 per adult and at Rs. 0-1-3 per child of below 12 years of age and above 3 years of age. The P.P.O. has recommended that the proposal may be sanctioned. H has also recommended the proposal that the collection of the above fees may be entrusted to the Agent, Bombay Steam Navigation Co. Ltd., Malpe ~~and as under~~ similar procedure ^{has been} ~~was~~ approved in respect of certain ports in the Province. ^{vide} ~~he has~~ G.O.No.1474, P.W., dated 13-6-1939 and ^{he has} ~~also~~ submitted a draft notification in this regard.

2. The budget estimates of the Malpe Landing and Shipping Fund for 1947-48 ^{as accepted by the govt} are expected to close with a surplus of Rs. 1,431/-, but in view of the need to maintain the existing facilities for the passengers at the port and to provide more facilities and as no revenue is at present derived from the passengers who enjoy the benefits, the P.P.O.'s proposal may perhaps be approved.

3. Under section 5 of the Madras Outports Landing and Shipping Fees, act, 1885, the rates ^{levied} under section 4 of the Act, shall be notified in the Official Gazette at least one

month before the date from which the same shall become payable.
The P.F.C. has suggested that the rates shall come into force
from 1-9-47. To comply with this requirement a suitable date
may be inserted in the draft order at the time of issue. A
draft order is submitted below for approval.

4. The file may be sent to legal for scrutiny prior to
circulation.

Dr
2-14-47
Kum
22-7-47

Dr
24747

Asst
Legal
25747

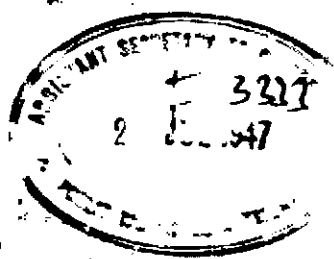
LEGAL DEPARTMENT.

The alterations indicated in red ink on the draft may be made. *PHD No. 3007 F/47*

Dr
2877/47 *P.W.D.*

Legal *S.D.* *3400/47-1*
28/12/47

... (Please see H-1-2 above)
The proposal in this file is to levy landing
and shipping fees on all passengers disembarking
at and embarking from the port of Malpe, South
Kannara District, at the rate of Re. 0-2-6 per
adult and at Re. 0-1-3 per child of below 12
years of age and above three years of age.
To maintain the existing facilities and provide
more facilities at the port for the passengers. The
draft order, as scrutinized by legal, may be circulated
to H.M. (P.W.) for approval.



Dr
30747
Kum
30-7-47

Dr
31747

Why is the collection entrusted to the Agent,
Bombay Steam Navigation Co. Ltd? And what
are the safeguards against possible abuses?

Dr
1/8

Re:- Secretary's query on p2 ante.

1 of 3 of

2 of 3 of
f s of p 2 of 3 of

R only 2 of 3 of (C)

f 10 of (C)

Section 7 of Act
1960 No 6 of 1960

f 25 of (C)

Extract at (V)

f 25 of (C)

f 240 to 275 of
1960 No 6 of 1960

Submitted that the Bombay Steam Navigation Company Ltd. maintained regular services of their Steamers between Bombay and Mangalore touching the port of Malpe on up and down voyages. It is proposed to appoint the Agent of the Company at Malpe to assist the Govt. officer appointed under section 7 of the Madras Outports Landing and Shipping Fees Act, for the purpose of levying and collecting landing and shipping fees on ~~passengers~~ ^{passengers} embarking or disembarking from the steamers for which he is an agent at the Port. Such assistants are appointed by name though not as a body so that the 'officer' might satisfy himself as to the suitability of the individual concerned for the appointment. The Assistants so appointed can exercise the powers under section 2 of Act. The Act does not require that the assistants should be persons already in Govt. service, but the persons so appointed as 'assistants' and entrusted with the levy and collection of fees under the Act will be 'public servants' - within the meaning of the ninth clause of section 21 of the Indian Penal Code read with explanation to that section - Please see Legal Deptt note at p.25 of G.C. No. 1474 P.W. dated 13-6-39. Offences relating to or by Public servants are punishable under sections 161 to 171 of the Indian Penal Code. The Agent of Company thus becomes liable to punishment under the above provisions for any abuses of the duties of the levying and collection of landing and shipping fees entrusted to him.

For orders.

if necessary, the PPO may be asked to elucidate the position further
HDS

22
7/8/47
Kun

9847

10-1-48

Is it the idea to collect the money along with the price of the ticket - as done by the Rly in respect of Pilgrim Taxes?

N

Subd. that no info. is available in the Deptt. The P.P.O. may perhaps asked to report on the point. A draft T.N. is submitted below for approval. The P.P.O. may also be asked to report about the practice now followed for collecting landing & shipping fees from passengers in other minor

18/8/47

4.
bans
him.
14.5.47

JK
14/5/47

Issued as T.M. No. 3007 F/47² dated 19.8.47
From the P.P.O. No. 1840 C/47³ d 4.10.47.

The file relates to the P.P.O.'s proposal to levy landing and shipping fees on all passengers disembarking at and embarking from the port of Malpe, South Kanara District, at the rate of Rs.0.2.6 per adult and at Re.0.1.3 per child of below 12 years of age and above three years of age, in order to maintain the existing facilities and to provide more facilities at the port for the passengers. The P.P.O. has also recommended that the collection of the above fees may be entrusted to Agent, Bombay Steam Navigation Company Ltd., Malpe as similar procedure was approved in respect of certain ports in the Province vide G.O. No. 1474 P.W. dated 13.6.1939. The proposal has been dealt with in detail in this department's note on pp.1 to 2 above. A question ^{was} ~~has been~~ raised ^{as to} whether it was the idea that the money covering the landing and shipping fees should be collected along with the price of the ticket - as done by the Railway in respect of Pilgrim taxes. The P.P.O. who ^{was} ~~has been~~ addressed in the matter has reported that the steamer agents may be entrusted with the work of collecting the landing and shipping fees from the passengers along with the tickets and remit the amount to the Port Deptt. He has further reported that such a procedure is at present being followed in other ports and ^{has} referred to the orders in G.O. No. 1474 P.W., dated 18.6.1939 sanctioning a similar procedure for the port of Mangalore.

As the practice now followed in other ports, will be followed in Malpe port also, it does not seem necessary to specify in the draft the procedure to be adopted in collecting landing and shipping fees from passengers who embark and disembark at this port.

The draft order as scrutinized by Legal may be circulated to H.M.(P.W.) for approval.

may be added
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Please see order in 'Circulation on p 4 auto: the draft order may now issue after perusal of legal (see 'p 4 auto.')

17.11.47

Km

17.10.47

for

28/10/47

Legal

P W Deco

3007 P/47 4

21.10.47

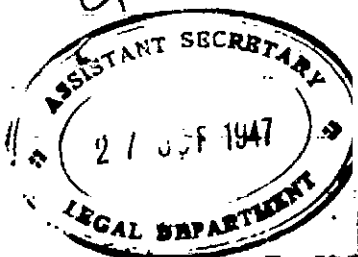
Legal Department.

The slight alterations indicated in blue pencil on the draft notifications in Annexure I to the draft order may be made.

Legal u.o. 11482/47-1

S 11482 30/10/47

30/10/47



P W D (7)

The draft order as scrutinised by Legal may now issue.

x will be the

With reference to para 3 of the notes on pages 1-2 above

20.12.1947 may be fixed as the date from which Landing and Shipping Fees leviable on passengers who embark from and disembark at the Port of Malpe will come into force as the notification ~~in~~ will in all probability be published in the Fort St. George Gazette dated 12-11-1947.

F 47

S 11-47

12.11.47

Km 21.10.47

2.11.47

POST COPY OF TELEPHONIC MESSAGE.

From The Presidency Port Officer, Madras,
to The Secretary to Government, Public Works Department,
Dated 5th November 1947. (Madras.)

----- f i f (2) (Co 375214)
11.11.47

PORTS - Malpe - Landing & Shipping Fees - Levy on passengers - Post copy of Government Telephonic Message No. 3007 F/47-2 P.W. dated 19-8-47 and this office letter to Government No. 1840 G1/47-3 dated 4-10-47. Ph 1367401

Request orders.

J.M. BALMFORTH,
Presidency Port Officer.

Forwarded.

[Signature]
Assistant to the
Presidency Port Officer.

Vs.

*Disbursed
on 6.11.47*

1947
4874

2

PHD

② 1500 Orders have since been issued in
no 3252 D.W. dated 3-11-47. May
be copied and filed with it.

JS
7-11-47

2
7-11-47

KWS
7-11-47